

United States District Court  
Southern District of Texas

**ENTERED**

May 26, 2017

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**1.56 ACRES OF LAND**, more or less, situated in Cameron County, State of Texas, and MCMD LP, ET AL.

**Defendants.**

[illegible]

Cause No. 1:08-cv-180

Tract Nos. RGV-BRP-1010

**ORDER ENTERING FINAL JUDGMENT ESTABLISHING JUST COMPENSATION,  
DISTRIBUTING FUNDS ON DEPOSIT IN THE REGISTRY OF THE COURT, AND  
CLOSING CASE**

against the United States in the sum of \$137,500.00 for its taking of Tract RGV-BRP-1010.

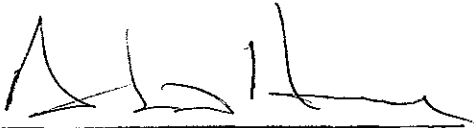
2. The sum of \$137,500.00 shall constitute full and just compensation and shall be in full satisfaction of any and all claims of whatsoever nature by Defendants resulting from this condemnation action as it relates to the acquired tracts, larger parcels, and parent tracts identified in this action, including any alleged damage caused to Defendants' remainder property as a result of the taking, along with any effect on all improvements thereon and appurtenances thereto belonging to Defendants. Defendants' right to claim compensation for other tracts of land not identified in this Judgment or in the Complaint and Declarations of Taking as amended, are not prejudiced by this Judgment.
3. On May 23, 2008, the United States filed a Complaint and Declaration of Taking acquiring Tract RGV-BRP-1010.
4. On August 18, 2010, the United States filed an Amended Complaint and Amended Declaration of Taking further describing Tract RGV-BRP-1010.
6. By order of this Court, the United States was found to be entitled to possession of Tract RGV-BRP-1010 (Doc. No. 24).
7. The total sum of just compensation shall be subject to all real estate taxes, liens, encumbrances, and charges of whatsoever nature existing against the interests in the properties taken in this proceeding at the time of vesting of their respective titles in the United States, and all such real estate taxes, liens, encumbrances, and charges of whatsoever nature shall be payable and deductible from the said sum.

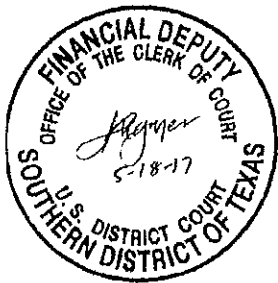
8. The Clerk of Court, without further order of this Court, shall disburse the stipulated amount of just compensation for Tract RGV-BRP-1010, in the sum of \$137,500.00 together with any interest accruing thereon while on deposit, to: Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Trust Account, 1301 McKinney Street, Suite 3700, Houston, TX 77010.
9. Defendants Miguel Ortiz and MCMD LP, or any person or entity needed for the operation of Defendants' business or for the full use and enjoyment of Defendants' remaining property, and all other successors in interest to Defendants' property, will be allowed access to, along and through the crown of the IBWC levee and through the border fence gap and easement as identified in Schedule EE of the Amendment to Complaint in Condemnation (Docket No. 30) and the Amendment to Declaration of Taking (Docket No. 31) and depicted on Exhibit A to said Schedule EE at all times except in the case of an emergency, or to the extent necessary for Plaintiff to exercise its authority under 8 U.S.C. § 1357 and implementing regulations. Defendants' access through the gap shall be continuous and uninterrupted, except to the extent necessary for Plaintiff to exercise its authority under 8 U.S.C. § 1357 and implementing regulations. Defendants and all successors in interest will have the right to share, assign, or delegate access without restriction, subject to and except to the extent necessary for Plaintiff to exercise its authority under 8 U.S.C. § 1357 and implementing regulations.
10. Defendants warrant that, to the best of their knowledge, they were the owners of the interest in the property taken in this proceeding on its date of taking; that they have the exclusive right to the compensation, herein; and that, to the best of their

knowledge, no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.

11. In the event that any other party is ultimately determined by the Court to have any right to receive compensation for the interests in the properties taken in this proceeding, Defendants shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct.
12. Defendants shall be responsible for their own legal fees, costs, and expenses; including attorney's fees, consultant fees, and any other expenses or costs.
13. Defendants shall be responsible for the payment of any taxes or assessments owed on the interests in the property taken in this proceeding through the date of taking.
14. The parties shall take no appeal from any rulings or judgments made by the Court in this action, and the parties consent to the entry of all orders and judgments necessary to effectuate this stipulated judgment.
15. Defendants shall save and hold harmless the United States from all claims or liability resulting from any unrecorded leases or agreements affecting the interests in the properties taken in this proceeding on the dates of their respective takings.
16. This case is hereby **CLOSED**.

DONE AND ORDERED, in chambers, at Houston, Texas, this 26<sup>th</sup>  
day of May, 2017.

  
ANDREW S. HANEN  
United States District Judge



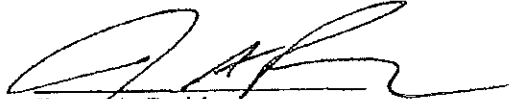
**AGREED AS TO FORM AND SUBSTANCE:**



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